

BRETT O'NEIL

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Attorney for the CSI

**BEFORE THE COMMISSIONER OF SECURITIES AND INSURANCE
MONTANA STATE AUDITOR**

IN THE MATTER OF:

MARY BAIRD,

Respondent.

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CASE NO. INS-2013-165

**CONSENT AGREEMENT AND
FINAL ORDER**

This Consent Agreement and Final Order (Agreement) is entered into by the Office of the Commissioner of Securities and Insurance, Montana State Auditor (CSI), acting pursuant to the authority of the Montana Insurance Code, Mont. Code Ann. § 33-1-101, et seq. (Code), and Mary Baird (Respondent).

RECITALS

WHEREAS, the CSI issued a Notice of Agency Action and Opportunity for Hearing on October 11, 2013;

WHEREAS, the CSI alleged Respondent violated Mont. Code Ann. § 33-1-318 by failing to make payments and by failing to provide documentation of those payments as ordered by the Commissioner;

WHEREAS, the CSI and Respondent agree that the best interests of the public would be served by entering into this Agreement;

NOW, THEREFORE, in consideration of the mutual undertakings contained in this Agreement, the CSI and the Respondent hereby agree to settle this matter pursuant to the following terms and conditions:

STIPULATIONS AND CONSENTS

I. Without admitting or denying any of the CSI's allegations, Respondent stipulates and consents to the following:

A. Respondent shall voluntarily surrender her insurance license within ten days of signing this agreement.

B. Respondent shall pay a \$500.00 fine to the state of Montana. The fine should be made payable to the "State of Montana" and sent to the CSI, c/o Lisa Monroe, Legal Secretary, 840 Helena Avenue, Helena, MT 59601.

C. Respondent shall return to Allstate Insurance Company a sum of \$4,768.23 in 36 monthly installments of \$132.45 each. The first submission shall be made by February 15, 2014. Should Respondent wish to remit larger amounts, she may do so.

D. Respondent shall submit copies of the monthly checks written to Allstate Insurance Company to the CSI. These copies, and any other documents submitted to the CSI under this Consent Agreement and Final Order, shall be sent to the Office of the Commissioner of Securities and Insurance, Montana State Auditor, c/o Lisa Monroe, 840 Helena Avenue, Helena, MT 59601.

F. Any new applications for personal insurance shall be submitted to the CSI within one week of the application throughout the term of this Agreement.

G. Respondent shall submit all personal (non-medical) claims against insurers to the CSI throughout the term of this agreement.

H. The Respondent fully and forever releases and discharges the Commissioner of Securities and Insurance, Montana State Auditor (Commissioner), the CSI, and all of the CSI's employees and agents from any and all actions, claims, causes of action, demands, or expenses for damages or injuries, whether asserted or unasserted, known or unknown, foreseen or unforeseen, arising out of this Agreement.

I. The Respondent specifically and affirmatively waives a contested case hearing and all rights to appeal under the Montana Administrative Procedure Act, Mont. Code Ann. § 2-4-101, et seq., and elects to resolve this matter on the terms and conditions set forth herein.

II. All parties to this Agreement stipulate and consent as follows:

A. The Commissioner and the CSI have jurisdiction over the subject matter of the above-entitled proceeding.

B. The CSI hereby agrees that it will not initiate any civil or administrative action against the Respondent regarding the allegations contained in this action for so long as the Respondent adheres to the terms of the Agreement.

C. This Agreement is entered without adjudication of any issue, law or fact. It is entered into solely for the purpose of resolving the CSI's allegations and is not intended to be used for any other purpose. For any person or entity not a party to this Agreement, this Agreement does not limit or create any private rights or remedies against the Respondent, limit or create liability of Respondent, or limit or create defenses of Respondent, to any claims.

D. The applicable statute of limitation, Mont. Code Ann. § 33-1-707, is tolled for two years from the date of execution of this Agreement with regard to the allegations set forth above. In the event Respondent violates the terms of this Agreement at any time, the CSI

reserves the right to seek additional fines. The duration of this agreement shall be the longer of two years or until all restitution and fines accruing under this agreement are paid in full.

E. This Agreement constitutes the entire agreement between the parties and no other promises or agreements, either express or implied, have been made by the CSI or by any member, officer, agent or representative of the CSI to induce Respondent to enter into this Agreement.

F. This Agreement may not be modified orally, and any subsequent modifications to this Agreement must be mutually agreed upon in writing to be effective.

G. This Agreement shall be incorporated into and made a part of the attached Final Order issued by the Commissioner herein.


H. This Agreement resolves the CSI's October 11, 2013, Notice of Agency Action and that action is dismissed.

I. This Agreement shall be effective upon signing of the Final Order.

J. The Agreement is a public record under Montana law and, as such, may not be sealed or otherwise withheld from the public.

DATED this 11th day of February, 2014.

**OFFICE OF THE COMMISSIONER OF
SECURITIES AND INSURANCE,
MONTANA STATE AUDITOR**

By: 
BRETT O'NEIL
Attorney for the CSI

DATED this ____ day of _____, 2014.


MARY BAIRD

Content approved by Attorney for Respondent:


TIM MCKEON

FINAL ORDER

Pursuant to the authority vested by Mont. Code Ann. § 2-4-603 and § 33-1-101, et seq.,
and upon review of the foregoing Consent Agreement, and good cause appearing,

IT IS HEREBY ORDERED that the foregoing Consent Agreement between the CSI and
Respondent Mary Baird is adopted as if set forth fully herein.

DATED this 11TH day of February, 2014.

MONICA J. LINDEEN

Commissioner of Securities and Insurance,
Montana State Auditor

By: 

GREG DAHL

Deputy Insurance Commissioner

cc. Brett O'Neil
Tim McKeon